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Alana Kriegsmann		November 22, 2004
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Docket No. JAB1425CON1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bart DE CORTE, *et al.* Art Unit: 1624  
Serial No.: 10/634,882 Examiner: Venkataraman Balasubramanian  
Filed: August 5, 2003  
Title: HIV REPLICATION INHIBITING PYRIMIDINES

Commissioner of Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

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REPLY

Sir:

Claims 1 and 3-22 are rejected under 35 USC 112 as indefinite. The rejection is traversed. Regarding the use of "addition" and "quaternary amine", this issue has already been responded to in the Preliminary Amendment dated August 5, 2003; i.e., it was filed with the application papers. The Examiner makes no reference to this amendment. Therefore, it is not clear whether he has reviewed this amendment and considered the remarks therein. It is requested that the rejection be withdrawn until such time as the Examiner acknowledges that he has considered the comments already made. The Preliminary Amendment is incorporated herein in reply to the rejection.

Regarding the parenthetical definition dextran sulfate, it is precisely to avoid ambiguity that parentheses are sometimes used in claims. In the present application, various parenthetical definitions have been used. Therefore, this use is deemed not to be indefinite but instead definite.

Claim 21 is provisionally rejected for double patenting over application 09/430,986. This matter can be attended to when all other issues of patentability have been resolved.

Claims 1-22 are provisionally rejected for double patenting over application 10/275,931. This rejection is deemed to be untimely since such a rejection is proper when the otherwise patentable subject matter in two applications can be considered obvious over each other. In the present situation patentable subject matter has been determined in neither application. It is

requested that the Examiner allow one application and then raise the double patenting rejection in the other pending application.

It is requested that the Examiner reconsider the rejection in view of the remarks.

No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/JAB1425 CON 1/AGK.

Respectfully submitted,



Alana Kriegaman  
Attorney for Applicants  
Reg. No. 41,747  
(732) 524-1495

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003

Date: November 22, 2004

10/634,662

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CORPORATE HEADQUARTERS  
PATENT LAW DEPARTMENT  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NEW JERSEY 08933

## FACSIMILE TRANSMISSION COVER SHEET

TO: Venkataraman Balasubramanian  
Examiner, U.S.P.T.O

FACSIMILE NUMBER: (703) 872-9306

FROM: Alana Kriegsman  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
Tel: (732) 524-1495

J&amp;J FACSIMILE NUMBER: (732) 524-2808

DATE: November 22, 2004

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

## COMMENTS

Re: Application 10/634,682  
Docket No. JAB 1425 CON1IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL  
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